

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DARRELL K. SPENCER, Individually and  
on behalf of all other persons  
similarly situated, and  
KENNETH KENDLY,

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 6-7-13

Plaintiffs,

12 Civ. 6323 (ALC) (AJP)

- against -

ORDER ADOPTING REPORT  
AND RECOMMENDATION

NO PARKING TODAY, INC. and  
CLAYTON THOMAS,

Defendants.

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ANDREW L. CARTER, JR., United States District Judge:

On August 17, 2012, Plaintiff Darrell Spencer filed a Complaint on behalf of himself and a putative class of similarly situated parking assistants against No Parking Today, Inc. and Clayton Thomas (collectively "Defendants"). Plaintiffs allege Defendants failed to pay overtime premium rates in violation of the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL"). Plaintiffs also allege Defendants failed to provide the wage and hour notice required by state law.

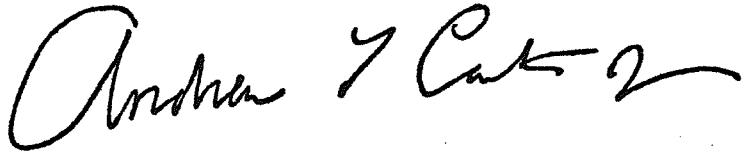
This matter was referred to Magistrate Judge Andrew Peck for a Report and Recommendation ("R&R") on Plaintiffs' motion for conditional certification of a collective action pursuant to the FLSA and Rule 23 class certification for the NYLL unpaid overtime and wage and hour notice claims. After careful

consideration, Magistrate Judge Peck issued a R&R on March 15, 2013, proposing Plaintiffs' motion be granted with specific modifications. Notwithstanding notification to the parties of the right to object to the R&R, no objections were filed.

When no objection is posed, the Court subjects the R&R to a clear error review. Arthur v. Goord, No. 06 Civ. 326 (DLC), 2008 WL 482866, at \*3 (S.D.N.Y. Feb. 21, 2008) ("To accept those portions of the report to which no timely objection has been made, 'a district court need only satisfy itself that there is no clear error on the face of the record.'" (quoting Figueroa v. Riverbay Corp., No. 06 Civ. 5364 (PAC), 2006 WL 3804581, at \*1 (S.D.N.Y. Dec. 22, 2006))). The Court's review finds no clear error, and accordingly, the Court **ADOPTS** Magistrate Judge Peck's R&R in its entirety. The motion for conditional certification of a collective action pursuant to the FLSA and conditional class certification for the NYLL unpaid overtime and wage and hour notice claims is **GRANTED** as modified by the March 15 R&R.

**SO ORDERED.**

Dated: New York, New York  
June 7, 2013



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Andrew L. Carter, Jr.  
United States District Judge